



City of Marietta

Meeting Minutes

JUDICIAL/LEGISLATIVE COMMITTEE

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Philip M. Goldstein, Chairperson
Van Pearlberg
Jim King

Wednesday, April 29, 2009

Fourth Floor Conference Room

Immediately following the Parks, Recreation and Tourism Committee

Presiding: Philip M. Goldstein
Present: Jim King and Van Pearlberg

Also Present:

Annette Lewis, Council - Ward 1
Grif Chalfant, Council - Ward 2
Holly Marie Walquist, Council - Ward 3
Rev. Anthony Coleman, Council - Ward 5
William F. Bruton, Jr., City Manager
Douglas R. Haynie, City Attorney
Stephanie Guy, City Clerk

CALL TO ORDER:

Chairman Philip M. Goldstein called the meeting to order at 7:02 p.m.

20090381 732 Kennesaw Avenue

Motion to revise the stipulations that were attached to that zoning approval for the property located at 732 Kennesaw Avenue (#20010043) on February 14, 2001, so as to eliminate stipulation that "Two large trees at northwest corner of property shall be preserved". The remaining stipulations (identified below) shall remain in effect.

1. All buildings must be one story with sloping shingle roofs. Slope of roof must be at least 6 feet vertical for each 12 feet horizontal (30% slope). Three dimensional architectural type shingles must be used.
2. All building sides must be brick. No electric meter, panel box or other metal electrical exterior wall attachment shall be visible from Kennesaw Avenue. Any outdoor mechanical units shall not be visible from Kennesaw Avenue.
3. No parking spaces or detention ponds shall be permitted within the front building setback line along Kennesaw Avenue.
4. The front building setback of 40 feet shall be measured from the new right of way line for Kennesaw, not the pre-existing right-of-way line.
5. Any trash dumpster location shall not be visible from Kennesaw Avenue.
6. The only signage shall be a ground based brick monument sign. Sign may not have any plastic or metal surface visible.
7. There shall be no fence along the front of the property.
8. Front of property to be screened through use of berms and/or landscaping so as to hide vehicles in parking lot
9. Total area of buildings on property to be limited to 19,000 square feet.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

The meeting was recessed at 7:18 p.m., and reconvened at 8:17 p.m.

MINUTES:

20090282 Regular Meeting - March 25, 2009

Review and approval of the March 25, 2009 regular meeting minutes.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:

Vote: 3 - 0 - 0

Approved

BUSINESS:

20090384 Nuisance Abatement

City Attorneys comments regarding the request for a discussion by Councilmember Anthony Coleman relative to nuisance abatement at the recycling center located at 311 Marble Mill Road and Allied Waste Transfer Station at 325 Marble Mill Road.

Mayor Dunaway left the conference table during the discussion regarding nuisance abatement.

This matter was Discussed.

20090328 Call of the General Election for November 3, 2009

An Ordinance to provide for the call of the General Election for the City of Marietta, Georgia; and to provide for the date for any runoff required where no candidate receives a majority of the votes cast.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20090329 Election Contract - Cobb County Board of Elections

Motion to approve a contract with the Cobb County Board of Elections to conduct the City of Marietta November 3, 2009 General Elections and Registration.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20090330 Election Contract - Marietta Board of Education

Motion to approve the contract with the Marietta Board of Education regarding the conduct of the November 3, 2009 General Election and related expenses.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 3 - 0 - 0

Recommended for Approval - Consent Agenda

20090380 Chickens

Request by Councilman Van Pearlberg for a discussion relative to allowing chickens in the city limits of Marietta.

This matter was Tabled.

20090386 First Landmark Bank

Motion to revise the stipulations (as requested in a letter from J. Kevin Moore to Russell J. Roth dated April 22, 2009) that were attached to that zoning approval for the property located at 307 & 325 North Marietta Parkway, and 321 Cole Street (#20080933) on September 10, 2008 (letter of stipulations and conditions dated September 9, 2008 from J. Kevin Moore to Russell J. Roth attached). The stipulations would be revised for the purpose of allowing a fence and retaining wall that exceed the height requirements for a fence. (Detailed elevations attached).

Councilmember Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building.

This matter was Recommended for Council Agenda Non Consent.

20090379 Kennesaw House/Marietta Museum of History

Request by Councilman Van Pearlberg for a discussion relative to the Kennesaw House property and the Marietta Museum of History.

This matter was discussed during the Finance/Investment Committee.

Council member Goldstein disclosed that he is assisting the DMDA in showing the first floor for rental. This is as a volunteer and no compensation is involved. He also has a membership with the Marietta Museum of History.

Councilmember Pearlberg disclosed that he serves as on the Marietta Museum of History Board of Directors.

ADJOURNMENT:

The meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Stephanie Guy, City Clerk

Approved: _____